United Nations A/HRC/27/9*

General Assembly

Distr.: General
26 June 2014

Original: English

Human Rights Council
Twenty-seventh session
Agenda item 6
Universal Periodic Review

Report of the Working Group on the Universal Periodic Review**

Dominica

* Reissued for technical reasons on 4 July 2014.

** The annex to the present report is circulated as received.

GE.14-06716 (E)

1406716

Please recycle

Contents

		Paragraphs	*Page*
	Introduction	1–4	3
I.	Summary of the proceedings of the review process	5–92	3
	A. Presentation by the State under review	5–26	3
	B. Interactive dialogue and responses by the State under review	27–92	6
II.	Conclusions and/or recommendations	93–95	14
	Annex: Composition of the delegation		21

Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its nineteenth session from 28 April to 9 May 2014. The review of Dominica was held at the 7th meeting, on 1 May 2014. The delegation of Dominica was headed by Mr. Vince Henderson, Ambassador and Permanent Representative of the Commonwealth of Dominica to the United Nations in New York. At its 14th meeting, held on 6 May 2014, the Working Group adopted the report on Dominica.

2. On 15 January 2014, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Dominica: Mexico, Sierra Leone and Germany.

3. In accordance with paragraph 15 of the annex to resolution 5/1 and paragraph 5 of the annex to resolution 16/21, the following documents were issued for the review of Dominica:

(a) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/19/DMA/2);

(b) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/19/DMA/3).

4. A list of questions prepared in advance by Germany, Liechtenstein, Mexico, the Netherlands, Portugal, Slovenia, Spain and the United Kingdom of Great Britain and Northern Ireland was transmitted to Dominica through the troika. Those questions are available on the extranet of the universal periodic review (UPR).

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The head of the delegation stated that although Dominica had faced challenges since gaining political independence in 1978, the Government had been able to bring about significant improvements in the lives of the people. There had been major strides in access to and delivery of quality education, health care and social services, as well as protection of the rights of persons with disabilities and support for indigenous people, women and the elderly. The Government was committed to human rights, social justice and equity, which were enshrined in the Constitution of Dominica, and continued to protect the right to access to basic services. Fundamental rights had become deeply rooted in the culture, traditions and way of life of the people of Dominica. Those who were elected were required to always respect the people's wishes and, therefore, social changes must be driven by the people in a manner that reflected their collective acceptance.

6. Dominica recognized its international obligations; however, constraints on both technical and financial resources made it difficult for the country to meet some of those obligations. The absence of a national human rights institution did not indicate that his country was unwilling to protect the rights of individuals, as it had been able to guarantee them even with limited resources. Nevertheless, training and technical assistance were necessary. In that regard, he thanked OHCHR for the assistance it had provided in meeting the demands of reporting and of implementing United Nations treaty obligations. Dominica looked forward to the continued support of and collaboration with OHCHR.

7. Access to education had been increased at the pre-kindergarten, primary, secondary and tertiary levels. Almost all children had access to pre-kindergarten education, and access to primary and secondary education was universal. An unprecedented number of university scholarships had been granted to students from Dominica, including young people from the Carib Territory, to pursue studies throughout the world, especially in Venezuela.

8. The primary health-care system provided access to health services throughout the island. Additionally, access to secondary and tertiary health care continued to be subsidized by the State to ensure that everyone could benefit from health services, irrespective of their socioeconomic status. The "Yes We Care" programme provided support and free home care to the elderly.

9. With regard to the right to housing, the "Housing Revolution" initiative, implemented by the Government since 2005, had provided homes for hundreds of families, including single mothers and members of the indigenous population. Recently, the Government had announced the implementation of a new housing initiative that would make 1,000 houses available to families; that initiative would complement the national sanitation project, which aimed to provide families with modern, hygienic toilets and access to potable water.

10. The Government had appointed a special commission to implement national obligations under the Convention on the Rights of Persons with Disabilities, which Dominica had ratified in 2012. The commission would begin work soon and would present recommendations on policies that would enhance the quality of life of persons with disabilities. The Government remained committed to the full inclusion of persons with disabilities.

11. Dominica had made significant strides in the protection of women and children, including by its ratification in 2013 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Government was reviewing all legislation related to violence against women and children with a view to strengthening the relevant provisions. Resources were provided to protect women and children, in particular those who were victims of domestic violence. Since 2011, at-risk or abandoned children were provided with accommodation, care and support.

12. The national gender policy adopted in 2006 had been updated and the Government would make every effort to provide the necessary resources for its implementation. The aim of the policy was to achieve gender equality and to strengthen the implementation of the Protection against Domestic Violence Act, in order to reduce violence and discrimination against women. A national strategic plan on gender-based violence would also soon be submitted for approval, but additional resources would be necessary for its implementation. In 2011, a central registry on domestic violence had been established in the Bureau of Gender Affairs, in which a record of all reported cases of domestic violence was stored.

13. Efforts to continue to raise public awareness of gender-related issues were ongoing. Activities included "Blow the Horn", a motorcade to end gender-based violence, and a silent protest against sexual violence, especially child sexual abuse, as well as workshops and seminars with police and community leaders on violence against women and children.

14. The Education Act (Act No. 11 of 1997) allowed for the administration of corporal punishment but it was illegal for an unauthorized teacher to administer such punishment. In cases where it was authorized, several guidelines must be followed. The Ministry of Education encouraged alternatives means of discipline, which were reducing the use of corporal punishment.

15. There had been a moratorium in Dominica on the death penalty since 1986. However, popular sentiment favoured the reintroduction of executions in cases of murder. Therefore, the Government had taken the position that the death penalty would remain within the jurisdiction of the judiciary and would continue to be guided by the existing law. The current law on the death penalty was based on the 2003 ruling of the Privy Council of England, which was the final court of appeal for Dominica. In Dominica, the death penalty was the maximum penalty for murder, although it was imposed only in the most serious killings.

16. Dominica promoted freedom of expression, but the views expressed by individuals and groups opposed to the Government must remain within the legal provisions on libel and slander. Journalists must be held responsible within a democracy. Nevertheless, since independence, no criminal charges had been brought for libel or slander.

17. Since 2000, the Government had placed special emphasis on the indigenous people, the Caribs. A Ministry of Carib Affairs had been created to facilitate the delivery of government services, programmes and projects. The residents of the Carib Territory had been the beneficiaries of actions in health care, education, housing, social services, agriculture and tourism development, and of small business support programmes. As a result, Carib people had equal access to government services and, in some cases greater access than the general population of Dominica.

18. Persons living in the Carib Territory had free access to health care, and recent investments had improved local health services. Likewise, the indigenous population throughout Dominica had equal access to education. In particular, Carib children had universal access to secondary education, and post-secondary education had also been provided to Carib students since 2000.

19. Moreover, the Government had constructed 73 houses for families in the Carib Territory over the past 10 years. However, communal ownership of land in that area made it difficult for residents to obtain normal commercial financing for the construction of homes since they had no individual title and land ownership.

20. The Government had invested in special facilities for the showcasing and sale of products from the Carib Territory. Farmers in that area benefited from agricultural assistance, and members of the indigenous population received assistance in the development of small businesses and with employment under the National Employment Programme, the Small Business Support Programme and the Dominica Youth Business Trust.

21. With regard to the participation of women in political life, women in Dominica had gained the right to vote and to contest elections in 1924 and had been serving as elected and appointed members in Parliament for more than 60 years, in opposition and in Government. Women had also served as Prime Minister, Minister, Attorney-General and Speaker of the House of Assembly. Since independence in 1978, 8 women had been elected and 12 nominated to serve in Parliament. For 24 of the ensuing 35 years, women had occupied the position of Speaker of the House of Assembly. Currently, two elected women and one nominated woman were serving in Parliament on the Government side. Two elected women were also serving as senior ministers. The Government would continue to support women in political life.

22. The Constitution of Dominica guaranteed all individuals protection from discrimination based on race, place of origin, political opinion, colour, creed or sex and, also, guaranteed the right of freedom of association. The Government had never used fear or intimidation to prevent defenders of any cause from exercising their rights, and there was no law requiring individuals to state their sexual preference or conscientious position when associating. The relevant legislation only criminalized specific sexual acts, and not what

might be considered as physical manifestations or association, and nobody had been arrested or prosecuted for such acts. Nevertheless, the Government was not prepared to introduce any legislation to Parliament decriminalizing sexual relations between adults of the same sex.

23. In 2012, the Government of Dominica had supported the United Nations General Assembly resolution on extrajudicial summary or arbitrary executions (resolution 67/168), in solidarity with those who continued to be punished without due process of law. Therefore, there was no need for the Government to take any follow-up measures pursuant to that resolution.

24. Since the establishment of the national HIV/AIDS Prevention Unit in the Ministry of Health in 2003, a number of programmes bad been introduced with a view to creating greater awareness, care, understanding and tolerance for persons affected by AIDS. Counselling, medication and other treatment were provided to all people living with AIDS, irrespective of their sexual orientation. The challenge of removing the stigma and the taboo associated with HIV/AIDS had been extremely difficult, but efforts to educate the public continued.

25. The Government of Dominica remained committed to protecting the fundamental rights and freedoms guaranteed to all irrespective of race, place of origin, political opinions, colour, creed or sex. It also aspired to provide education, health care, housing, employment and access to water and sanitation. Over the past decade, Dominica had made significant strides towards achieving those goals, although much remained to be done.

26. As a small island developing State, Dominica continued to struggle to ensure that its people were provided with a decent quality of life. However, its limited human and financial resources made it difficult for Dominica to meet its international human rights commitments. The ratification of treaties brought with it the burden of drafting reports, developing implementation plans and allocating resources to give domestic effect to those treaties. Therefore, the head of delegation called on OHCHR to provide support and to develop an assistance programme that would provide Dominica with technical support and training so that it could meet its current and future obligations.

B. Interactive dialogue and responses by the State under review

27. During the interactive dialogue, 48 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

28. Malaysia welcomed the update on progress made by Dominica in the implementation of recommendations arising from the first review and its efforts to combat violence against women and children, despite the challenges it had faced in preparing its report. It recognized that financial constraints represented an obstacle to the advancement of human rights in Dominica. It encouraged the country to continue implementing programmes on HIV/AIDS and to continue its efforts to improve human rights.

29. Maldives commended the progress made by Dominica in promoting human rights since the previous review, including by extending a standing invitation to all special procedures of the Human Rights Council, ratifying the Convention on the Rights of Persons with Disabilities and announcing the establishment of a National Disability Council. Moreover, it acknowledged the attention paid by Dominica to the rights of the child. In its view, small States such as Dominica required financial and technical assistance in order to strengthen their national human rights mechanisms.

30. Mexico recognized the efforts made by Dominica to take part in the review, which demonstrated its commitment. Mexico valued the de facto moratorium on the death penalty

observed by Dominica since 1986 but expressed concern that the death penalty still formed part of the national legal framework. It trusted that the review would help Dominica to overcome challenges, and remained available to share its experiences.

31. Montenegro appreciated the fact that Dominica had extended a standing invitation to all special procedures and acknowledged efforts to implement the National Policy and Action Plan for Gender Equity and Equality. It asked about the activities envisaged by Dominica to change or amend legislation in order to ensure that hazardous work was prohibited for all persons under 18 years of age.

32. Morocco noted the difficulties that prevented Dominica from submitting a written report for review. However, the commitment of Dominica to the UPR process was evident in its participation in the review. Delays in the submission of reports to other human rights mechanisms were a consequence of prevailing challenges. It noted that Dominica did not have a national human rights institution because of a lack of resources. Morocco congratulated Dominica on its efforts regarding the right to education.

33. The Netherlands commended the progress made by Dominica with regard to the advancement and promotion of women's rights, gender mainstreaming and the overall empowerment of women, and expressed the hope that that the progress achieved would be sustained and would lead to equal rights for women. It expressed concern about the situation of lesbian, gay, bisexual and transgender persons in Dominica, mainly in connection with the unsafe environment for human rights defenders advocating equal rights for members of that group.

34. Nicaragua noted that the second review had posed a challenge for Dominica. However, although there was no national report, it was aware of the progress achieved by Dominica, in particular with regard to women and the rights to education and health. While aware that Dominica had a small economy and faced a number of social and economic challenges, Nicaragua urged it to continue making efforts to strengthen its national policies to guarantee human rights.

35. Paraguay welcomed the decision of Dominica to reform the legal framework to address domestic violence and physical ill-treatment of children. It encouraged Dominica to document those and other challenges in a report to the Committee on the Elimination of Discrimination against Women. Paraguay took note of the ratification by Dominica of the Convention on the Rights of Persons with Disabilities and its plans to establish a National Disability Council, and acknowledged improvements in the health sector.

36. Portugal welcomed the fact that since the previous review, Dominica had extended a standing invitation to the special procedures. It further welcomed the review of the legal framework to combat domestic violence and physical child abuse, as well as the achievement of universal access to primary and secondary education free of charge.

37. Singapore noted that despite the challenges faced by Dominica as a small island developing State, progress had been made in the promotion and protection of human rights. It took positive note of achievements in improving public health, of the emphasis placed on the promotion of gender equality and of efforts to combat gender-based violence, in particular the legislative framework in place to protect women against violence.

38. Slovenia commended Dominica for its efforts to address domestic violence and physical abuse of children, and for positive gains regarding gender equality and women's empowerment. It encouraged Dominica to continue fighting discrimination and prejudice against lesbian, gay, bisexual, transgender and intersex persons. While noting that the death penalty had not been applied since 1986, it expressed concern that Dominica retained the death penalty.

39. Spain recognized efforts made by Dominica, including its extension of an open and standing invitation to the special procedures. It commended Dominica on the adoption of policies to protect women, but noted the continuing prevalence of violence against women. It expressed concern at cases of corporal punishment in prisons and detention centres, as well as in educational centres. Lastly, it noted that unemployment rates and basic social indicators indicated a gap between the Kalinago population and other citizens.

40. Cuba acknowledged efforts made by Dominica to promote and protect human rights, in particular by the adoption of national policies on gender equality and women's empowerment, as well as improvements in the health sector, which were reflected in a decrease in the under-5 child mortality rate. It highlighted the broad national cultural policy of Dominica, improvements in the right to education, which was universal and free of charge, and efforts to protect the rights of persons living with HIV/AIDS.

41. The State of Palestine commended Dominica for its efforts to enhance the situation of human rights despite constraints, and its adoption of legislation and policies supporting gender equality and women's empowerment. It also commended Dominica for efforts to integrate information and communication technologies into the education system.

42. Thailand noted that Dominica had become a party to a number of international human rights instruments and encouraged it to accede to other such instruments. It acknowledged the social and safety net programmes that had been introduced, and encouraged the Government to integrate all such programmes in order to maximize their potential impact. Thailand expressed appreciation for the efforts of Dominica to improve the rights of children, and its willingness to share experiences on the protection of human rights. It encouraged the international community to provide assistance and technical cooperation, upon request.

43. Trinidad and Tobago empathized with the challenges faced by Dominica in seeking to safeguard its ecological integrity while improving the living standards of its citizens within the framework of equitable and sustainable development. It noted the continuing steps being taken to maintain the autonomy and rights of the Kalinago people.

44. The United Kingdom of Great Britain and Northern Ireland welcomed the progress achieved in the advancement of women's rights, gender mainstreaming and women's empowerment, as well as efforts to fight poverty and the ratification by Dominica of a number of conventions. It expressed concern that Dominica had undertaken to ratify other treaties but had not done so, perhaps owing to capacity constraints. It encouraged Dominica to establish a formal moratorium on executions with a view to the eventual abolition of the death penalty.

45. The United States of America said that despite efforts, domestic violence remained a serious problem, with support systems for survivors and resources for enforcement agencies being insufficient. A critical gap existed in the legal framework to keep children away from the worst forms of child labour. The United States expressed concern about the criminalization of consensual same-sex activity between adults and noted that lesbian, gay, bisexual and transgender victims of violence and harassment often avoided reporting abuse.

46. Uruguay appreciated the efforts made by Dominica to participate in the review, which were a clear indication of its commitment to the UPR process. Uruguay highlighted progress made in the national agenda for the promotion and protection of human rights since the previous review, noting in particular the open invitation extended by Dominica to special procedures.

47. The Bolivarian Republic of Venezuela welcomed the efforts made by Dominica to implement the recommendations made during the first review, despite the challenges. It highlighted the ratification by Dominica of the Convention on the Rights of Persons with

Disabilities and the Optional Protocol thereto, as well as the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. It acknowledged the achievements of Dominica in reducing unemployment, ensuring free and universal access to education and combating sexual abuse against children.

48. Algeria said that it understood why Dominica had not submitted a national report, and asked about the support that the international community and OHCHR could provide in order to enable it to fulfil its obligations, in particular with regard to the submission of reports. It welcomed the ratification by Dominica of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as its accession to the Trafficking in Persons Protocol. It expressed the view that Dominica could benefit from international capacity-building assistance.

49. Argentina congratulated Dominica for its ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto, as well as the Trafficking in Persons Protocol. It encouraged Dominica to ratify other international human rights instruments to which it was not yet a party, and urged it to continue adopting measures to address domestic violence and physical ill-treatment of children.

50. Armenia noted that Dominica had not ratified a number of core international human rights instruments and emphasized the importance of ratifying the Convention on the Prevention and Punishment of Genocide. It commended the efforts expended by Dominica to realize the right to education and called for the introduction of human rights education in school and university curricula. It welcomed improvements to the right to health and also valued the efforts of Dominica to promote the rights of persons with disabilities and of women.

51. Australia remained concerned by the legal provisions criminalizing sexual relations between lesbian, gay, bisexual and transgender persons. It commended Dominica for its ratification of the Convention on the Rights of Persons with Disabilities and the Trafficking in Persons Protocol. It welcomed the de facto moratorium on executions but remained concerned that the current legislation allowed for the death penalty.

52. The Bahamas expressed appreciation for the challenges facing Dominica in connection with financial and human resource constraints, climate change and natural disasters. Dominica had sustained a strong parliamentary democracy, promoting and protecting human rights within the context of respect for the rule of law. The Bahamas commended Dominica on its review of the legal framework, particularly with regard to combating domestic violence and physical abuse of children. It noted the multimedia awareness-raising campaign conducted to raise awareness of sexual abuse of children, and applauded the adoption of legislation supporting gender equality. The Bahamas was ready to support Dominica in the promotion of human rights.

53. Barbados commended Dominica for its efforts to strengthen its legal framework and to protect human rights, to review legislation relating to domestic violence and physical abuse of children, to reduce under-5 mortality rates, and to improve school enrolment rates. Dominica was committed to enhancing the social and economic rights of its citizens, but considerable resources were required in order for it to do so. Barbados called on the donor community to demonstrate greater sensitivity to the unique financing difficulties faced by small States. It recognized the challenges that Dominica faced in integrating its international obligations into national legislation.

54. Benin welcomed the progress made by Dominica in implementing recommendations from the first review. In particular, it noted the adoption by Dominica of laws and policies promoting equality and the empowerment of women, its creation of national committees to

monitor the rights of the child, and its ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto.

55. The Plurinational State of Bolivia commended Dominica for its detailed presentation and highlighted the progress made since the previous review. It commended Dominica for its ratification of a number of important international human rights instruments, including the Convention on the Rights of Persons with Disabilities.

56. The head of delegation thanked States for their contributions and acknowledged that a national report would have responded to most of the concerns expressed. In particular, he recognized the contribution and support of members of the Caribbean Community (CARICOM), the Bolivarian Alliance for the Peoples of Our America (ALBA), and the Alliance of Small Island States (AOSIS).

57. Dominica was a small island developing State that faced severe challenges brought about by the hostile global economy and other institutional pressures. The country no longer received preferential treatment for the agricultural sector and was struggling with development. Those were the harsh realities that faced small island developing States. Dominica was also vulnerable to natural disasters, and had to deal with damage caused by severe weather every year. However, it had provided support to its people in order to ensure them a better quality of life.

58. Although much had been achieved, much remained to be done in terms of development. Some communities in Dominica still did not have access to safe drinking water and it had not been possible to make the necessary investments to ensure that potable water was available, particularly to small and rural communities. However, with assistance from the European Union and other development partners such as Venezuela and Cuba, every community in Dominica would have access to potable water by 2015.

59. The country continued to struggle to provide opportunities for children. However, significant progress in that regard had been made with the assistance of partners such as Morocco and Mexico.

60. Significant work had been undertaken to improve the lives of the people in the Carib Territory, in particular with regard to education. Dominica had done everything possible to ensure that indigenous people received the kind of attention that could improve their lives.

61. The Government was paying particular attention to violence against women. Although much remained to be done, the Government had provided protection through the Protection against Domestic Violence Act, passed in 2001, and through the provision of services, despite resource constraints.

62. Child labour was another area in which everything possible should be done to ensure that children were not forced to work. Dominica would definitely pay attention to the need to review the laws in order to protect children from hazardous work.

63. Although the use of corporal punishment had decreased, several associations in Dominica continued to criticize the Government for its rigorous guidelines on that matter. The Government's view was that the country should move away from the use of corporal punishment as far as possible, and it would continue to work towards that goal.

64. Dominica provided support to persons with disabilities, although much remained to be done. The provision of such support was a work in progress, and was costly.

65. At times, the efforts made by small island developing States were greeted with hostility. The trade sector was one of the country's biggest concerns since it had ceased to receive preferential treatment, especially in the European market. Under such circumstances, it was not easy to achieve economic development. Likewise, since 2008 the global economic crisis had affected Dominica and resulted in severe financial constraints.

In view of the fact that most of the commitments under the UPR process required some financial investment, Dominica called on the international community to assist it in its endeavours.

66. Brazil said it was pleased to learn that Dominica had undertaken a review of its legal framework and administrative practices and policies with a view to strengthening action against domestic violence and physical abuse, particularly against women and children, as recommended during the previous review. In addition, it noted that a number of improvements had been made in the education sector. However, the right to life required greater attention and respect for sexual orientation required urgent attention.

67. Canada noted that in 2010, Dominica had agreed to establish greater support systems in the form of more secure housing for women seeking shelter from domestic abuse. It therefore asked the delegation to provide information on progress achieved so far in that regard. Canada welcomed the ratification of the Convention on the Rights of Persons with Disabilities, as well as the Trafficking in Persons Protocol.

68. Chile took note of the various programmes that had been implemented for the promotion and protection of human rights. It urged Dominica to continue with that process with a view to guaranteeing the full enjoyment of human rights, with the support of the international community and relevant technical assistance.

69. China was pleased with the efforts made by Dominica to eliminate poverty and noted its commitment to protecting the rights of vulnerable groups, such as women and children. Dominica had promoted gender equality and improved health and education; the infant mortality rate had declined, most of the population had access to safe drinking water, and the school enrolment rate had increased. It understood the challenges faced by Dominica as a small island State, and called on the international community to provide assistance in the areas of finance, technology and capacity-building.

70. Costa Rica regretted the absence of a national report from Dominica in view of the importance of such documents for the UPR process. However, it congratulated Dominica on measures taken to improve the situation of children, such as the awareness-raising campaign on sexual abuse of children, and on the review of the legal framework to strengthen action against domestic violence and ill-treatment of children. It recognized improvements in the areas of health and education, urged Dominica to prohibit corporal punishment and expressed the hope that it would abolish the death penalty.

71. Sri Lanka welcomed the efforts of Dominica to promote human rights despite the challenges that it faced, and took note of its commitment to reform its legal framework and administrative measures in order to combat domestic violence and physical abuse of children. It acknowledged the initiatives introduced to achieve gender equality and efforts to implement the national gender policy. It encouraged Dominica to facilitate further access to education for all by allocating adequate resources and reinforcing teacher training.

72. The Democratic Republic of the Congo noted that Dominica had undertaken a review of its legislative framework, had taken steps to strengthen the framework for combating domestic violence and child abuse, had ratified the Convention on the Rights of Persons with Disabilities, and had issued a standing invitation to special procedures. However, it noted that there had been delays in the submission of reports to treaty bodies. It asked Dominica to provide further information on measures adopted to promote the harmonious social integration of ethnic minorities.

73. Denmark commended Dominica for engaging with the UPR process by accepting a large number of recommendations at the first review. However, it noted that little progress had been reported in some areas. In particular, it noted the lack of progress in the fight against torture, observing that Dominica had not ratified the Convention against Torture

and Other Cruel, Inhuman or Degrading Treatment or Punishment. Denmark highlighted an initiative launched by several countries to help Governments overcome obstacles to ratifying that Convention.

74. Ecuador acknowledged the efforts made by Dominica to implement previous recommendations, in particular those promoting the right to health. It highlighted the common fund for basic needs that aimed to provide communities with resources in order to improve their access to basic services, to increase employment and to reduce poverty. It commended Dominica for its ratification of the Convention on the Rights of Persons with Disabilities and offered to share best practices in that connection.

75. Ethiopia commended Dominica for measures taken to ensure access to education and welcomed its efforts to ensure primary health care.

76. France welcomed the ratification by Dominica of the Convention on the Rights of Persons with Disabilities and its issuance of a standing invitation to special procedures mandate holders.

77. Germany asked to know the reason why Dominica had not submitted a national report. It acknowledged the progress made by the country towards the full realization of the human rights of its citizens in the areas of action against domestic violence and physical abuse of children. It called for the abolition of corporal punishment and noted that lesbian, gay, bisexual, transgender and intersex persons were exposed to prejudice and violence because consensual same-sex activity was criminalized.

78. Ghana welcomed the cooperation of Dominica with special procedures mandate holders and commended it for steps taken to implement some of the recommendations accepted during the first review, including the ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. It expressed the hope that Dominica would accede to the Convention on the Prevention and Punishment of the Crime of Genocide.

79. Indonesia noted that Dominica had faced challenges in implementing a number of commitments made during the first review and observed that there was a need to take substantive action in order to implement them. Establishing a national human rights institution should be a matter of priority, and addressing the right to education was fundamental to the achievement of the Millennium Development Goals.

80. Iraq said that it appreciated the fact that a human rights plan had been drafted, as well as the efforts made by Dominica to review its legislation, in particular that relating to domestic violence, child abuse and gender equality. It expressed support for the continued efforts of Dominica in that regard.

81. Ireland encouraged Dominica to continue to improve action against domestic violence and physical abuse of children and to promote gender equality and women's empowerment, and commended it for issuing a standing invitation to special procedures mandate-holders. It urged Dominica to consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and to consider abolishing the death penalty. It expressed concern about the criminalization of consensual same-sex activity and of defamation, and expressed regret that recommendations made during the first cycle regarding the Sexual Offences Act had not enjoyed the support of Dominica.

82. Italy welcomed progress achieved in the promotion of human rights. It noted that Dominica was not a party to some core international treaties and asked whether it envisaged acceding to those instruments. It expressed appreciation for the long-standing moratorium on capital punishment and for the ongoing debate on the death penalty.

83. Jamaica stated that despite the absence of a national report, the commitment of Dominica to the UPR mechanism must be recognized. Capacity constraints and the resources challenges faced by small island developing States could prevent their timely and effective compliance with their reporting obligations. Jamaica strongly supported efforts to strengthen technical assistance and capacity-building, in particular from OHCHR, on how to meet reporting and implementation obligations. It welcomed measures taken by Dominica, such as the review of the national legal framework, and efforts to combat domestic violence and child abuse and to support gender equality and women's empowerment. It was pleased that Dominica had acceded to the Convention on the Rights of Persons with Disabilities.

84. Kenya acknowledged that Dominica had upgraded its legal and administrative frameworks to reform laws, policies and practices, noting in particular its strengthening of the framework to combat domestic violence and physical abuse of children. It acknowledged the challenges that would require the attention of Dominica in the future.

85. Sierra Leone said that it understood the difficulties faced by a small island nation in the preparation of national reports but encouraged Dominica to submit its overdue reports to the relevant treaty bodies and to provide further information on progress achieved in the implementation of the UPR recommendations. It commended Dominica on conducting an extensive review of the legal framework and administrative measures with a view to reforming national laws, and urged it to implement an inclusive health plan, to combat gender-based violence and to harmonize a protection framework for stateless persons.

86. The head of delegation said that the extensive recommendations of all delegations concerning matters that would continue to be the focus of his country's efforts had been noted. While much had been accomplished, much remained to be done. Dominica remained committed to the UPR process and to fulfilling its obligations.

87. With respect to the ratification of conventions, the constraints encountered by Dominica in its efforts to fulfil its obligations under the conventions it had already ratified had caused it to reflect deeply before undertaking further such obligations. However, the assistance of OHCHR in that regard was welcome. Dominica would like to have a meaningful dialogue on the issue of capacity to see how to fulfil its current obligations and would provide adequate information for the conventions that it had ratified.

88. The Government was elected to represent the people, and it was the people who were required to determine how to transform society. The transformation was a process that would take time, effort and education, in addition to public awareness. It was more beneficial to have engagement from the ground up and to include the people in the process, as that would ensure that some of the values that the Working Group on the Universal Periodic Review wished to transfer were widely accepted. Although several countries had taken centuries to rid themselves of some of the issues that the Working Group was asking Dominica to tackle, his country remained open to dialogue and invited United Nations agencies, non-governmental organizations (NGOs), international organizations and other States to engage with it.

89. All children from Dominica had access to primary and secondary education. More specifically, while the Government had the will to ensure education for children with disabilities, the limited resources available represented a real challenge. It was hoped that those countries that had raised concerns in connection with that issue would engage with Dominica bilaterally so that they could work towards achieving that goal.

90. The Working Group might consider revisiting the concern about the unsafe environment of human rights defenders, because there was no form of violence against them in Dominica, nor was there any environment of fear and intimidation for any group.

91. The efforts made by NGOs on the ground, in particular to end violence against women, should be acknowledged. With strong advocacy from the Dominica National Council of Women and other groups, Dominica had been able to draft the Protection against Domestic Violence Act, which protected the rights of women.

92. Dominica had to continue to make efforts to improve its system of governance and to provide the people with opportunities and equal rights. Small island developing States faced tremendous challenges. In order to overcome those challenges, it was important to cooperate to ensure that interventions were made in the areas where they were needed. In that spirit, Dominica welcomed all States, United Nations agencies and NGOs that wished to work closely with its Government and people.

II. Conclusions and/or recommendations**

93. **The recommendations formulated during the interactive dialogue/listed below enjoy the support of Dominica. It was recommended that Dominica:**

93.1 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Trinidad and Tobago);**

93.2 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (France);**

93.3 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Portugal);**

93.4 **Ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Sierra Leone);**

93.5 **Become party to the International Convention on the Elimination of All Forms of Racial Discrimination (Australia);**

93.6 **Prioritize the need to become party to the International Convention on the Elimination of All Forms of Racial Discrimination (Ghana);**

93.7 **Plan to ratify the International Convention on the Elimination of All Forms of Racial Discrimination (Democratic Republic of the Congo);**

93.8 **Continue to give serious consideration to ratification of the International Convention on the Elimination of All Forms of Racial Discrimination (Jamaica);**

93.9 **Consider ratifying the International Convention on the Elimination of All Forms of Racial Discrimination (Kenya);**

93.10 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as previously accepted (Denmark);**

93.11 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Montenegro);**

93.12 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (France);**

93.13 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Sierra Leone);**

** Conclusions and recommendations will not be edited.

93.14 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Kingdom of Great Britain and Northern Ireland);**

93.15 **Prioritize the need to become party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Ghana);**

93.16 **Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Kenya);**

93.17 **Ratify the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Spain);**

93.18 **Ratify and implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as its Optional Protocol (Benin);**

93.19 **Consider the possibility of ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol (Ecuador);**

93.20 **Step up its efforts and strengthen its measures to ensure gender equality by ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Netherlands);**

93.21 **Ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (Portugal);**

93.22 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (France);**

93.23 **Ratify the Optional Protocol to the Convention on the Rights of the Child on a communications procedure (Portugal);**

93.24 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Sierra Leone);**

93.25 **Prioritize the need to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana);**

93.26 **Accede to the International Convention on the Prevention and Punishment of the Crime of Genocide (Armenia);**

93.27 **Prioritize the need to become party to the Convention on the Prevention and Punishment of the Crime of Genocide, taking into account the fact that the Commonwealth of Dominica is party to the Rome Statute of the International Criminal Court (Ghana);**

93.28 **Ratify International Labour Organization (ILO) Convention No. 189 concerning decent work for domestic workers (Uruguay);**

93.29 **Consider establishing a national human rights institution in line with the Paris Principles (Kenya);**

93.30 **Consider the creation of a national human rights institution or Office of the Ombudsperson, in conformity with the Paris Principles (Nicaragua);**

93.31 **Consider the possibility of establishing a national human rights institution in line with the Paris Principles that govern these mechanisms, while also asking for technical and financial assistance (Morocco);**

93.32 **Accelerate the studies and internal procedures required for the establishment of a national human rights institution in conformity with the Paris Principles, in cooperation with OHCHR (Uruguay);**

93.33 **Call upon OHCHR to provide technical assistance to Dominica for the establishment of a national human rights institution, which is an essential building block for the progress of human rights, as previously recommended by Maldives during the first cycle (Maldives);**

93.34 **Continue strengthening the protection and promotion of human rights through its institutions, legislation and public policies (Plurinational State of Bolivia);**

93.35 **Promote human rights education and capacity-building (Armenia);**

93.36 **Seek technical assistance in order to further advance the dissemination of human rights in the country (Sierra Leone);**

93.37 **Continue making efforts to advance in meeting its commitments under the international instruments to which the State is a Party (Nicaragua);**

93.38 **Strengthen cooperation with the treaty bodies by requesting the necessary technical assistance to this end (Algeria);**

93.39 **Consider requesting technical assistance from the international community, including from OHCHR, in particular in terms of capacity-building, in order to allow it to overcome the challenges linked to delays in the submission of its reports to human rights mechanisms (Morocco);**

93.40 **Collaborate with various United Nations human rights mechanisms and submit outstanding reports to treaty bodies (Paraguay);**

93.41 **Building on its constructive engagement in this session, strengthen its efforts to bring its reporting obligations up to date as soon as possible (Jamaica);**

93.42 **Undertake the necessary efforts to submit the corresponding periodic report to the Committee on the Elimination of Discrimination against Women, indicating specifically if the Penal Code of Dominica provides for the definition of any type of violence against women as a criminal offence (Uruguay);**

93.43 **Request greater efforts by OHCHR to further assist capacity-constrained small States in the Caribbean, such as to address the challenges faced by Dominica in harmonizing and integrating its international obligations with national legislation, as well as the increased reporting obligations attendant thereto (Barbados);**

93.44 **Strengthen the efforts to fight against discrimination, guaranteeing the physical and mental integrity of the population (Ecuador);**

93.45 **Continue its work towards the eradication of acts of racism and other forms of discrimination and intolerance (Plurinational State of Bolivia);**

93.46 **Continue supporting efforts to empower women and to promote and protect children's rights, including by providing adequate financial and human resources to implement policies and programmes afforded to them (Malaysia);**

93.47 **Take further steps to protect the rights of persons with disabilities and the rights of women and children, including through strengthening support services (Australia);**

93.48 **Implement education and awareness-raising programmes on gender equality in the framework of efforts to combat stereotypes conducive to domestic violence and discrimination against women (Mexico);**

93.49 **Continue the efforts to protect the rights of persons affected by HIV/AIDS (Cuba);**

93.50 **Consider the promotion and protection of the rights of peasants and other people working in rural areas (Plurinational State of Bolivia);**

93.51 **Continue its efforts in eliminating violence against women and girls to provide a safe living environment for them (Singapore);**

93.52 **Speed up the process of adoption of the National Strategic Plan on Gender-based Violence (Ethiopia);**

93.53 **Ensure relevant agencies have sufficient resources and staff to enforce existing domestic violence laws (United States of America);**

93.54 **Undertake an assessment of active policies for the protection of the rights of women and strengthen mechanisms for tackling gender-based violence, with particular emphasis on employment, education and awareness-raising, as well as the system for compiling data on gender-based violence (Spain);**

93.55 **Ensure compliance with its international obligations through the implementation of effective legislative and other measures to protect women and girls from domestic and sexual violence, including sexual harassment, by prohibiting sexual harassment, and establishing the administrative procedures by which sexual harassment complaints can be investigated and perpetrators held accountable (Canada);**

93.56 **Take further measures to address domestic violence and physical child abuse, including by ensuring adequate reporting of child abuse (Portugal);**

93.57 **Take effective measures to respond to child abuse by establishing a comprehensive child protection policy (Trinidad and Tobago);**

93.58 **Adopt administrative and legislative measures to combat domestic violence and physical ill-treatment of children (Chile);**

93.59 **Continue efforts to protect the rights of the child, by taking all necessary measures to combat violence against children and child labour (France);**

93.60 **Adopt a comprehensive list of hazardous work prohibited to children and amend its laws to raise the minimum age for employment to at least 15 and to expressly prohibit the use, procuring or offering of a child for pornography (United States of America);**

93.61 **Implement actions and immediate measures for the elimination of the worst forms of child labour, in conformity with ILO Convention No. 182 (Uruguay);**

93.62 **Take further measures to improve women's access to decision-making and management positions, and to positions with improved career prospects, in both the public and private sectors (State of Palestine);**

93.63 **Continue its efforts by developing and supporting consultative mechanisms whereby children are able to communicate with government agencies (Thailand);**

93.64 **Take the necessary steps to ensure equal access to employment and training opportunities to the Kalinago people and persons with disabilities (Trinidad and Tobago);**

93.65 **Continue to prioritize poverty alleviation in its socio-economic development so that its people will better enjoy their right to life and their right to development (China);**

93.66 **Continue strengthening social plans and programmes under implementation to combat poverty, exclusion and social inequality, with an emphasis on employment, food and health for the benefit of the population, with particular attention to those most vulnerable sectors, and for which it is extremely important to have the support, assistance and cooperation of the community of nations (Bolivarian Republic of Venezuela);**

93.67 **Further strengthen measures to ensure equal access to health services for all, while giving special attention to the needs of children, women and elderly persons (Sri Lanka);**

93.68 **Continue, in cooperation with the World Health Organization, to improve its national health care system and ensure access to quality health care for all (Singapore);**

93.69 **Continue its efforts to promote and protect the full enjoyment of the right to education for all (Portugal);**

93.70 **Strengthen measures to enhance access to education (Ethiopia);**

93.71 **Intensify its efforts to promote and protect the full enjoyment of the right to education and take further steps to make access to education easier for all, including by allocating adequate resources and by reinforcing teacher training (State of Palestine);**

93.72 **Continue its efforts to make access to education easier for all, including by allocating adequate resources for education for the people (Indonesia);**

93.73 **Continue to focus on the overall improvement in the quality of education provided and make access to education easier for all (Malaysia);**

93.74 **Provide an inclusive education for all children, in particular children with disabilities and migrant children (Thailand);**

93.75 **Continue to strengthen the national cultural policy (Cuba);**

93.76 **Promote cross-cutting measures to prevent discrimination against persons with disabilities in the education system, including measures that allow for a safe physical access to education centres and classrooms (Mexico);**

93.77 **Strengthen the measures aimed at guaranteeing the full integration of persons with disabilities through an inclusive education plan (Argentina);**

93.78 **Take steps to ensure the provision of inclusive education for all children with disabilities, including specialized centres for assessment and support, as needed (Canada);**

93.79 **Adopt active measures to enable better integration of the Kalinago population and to close the relative gap they confront (Spain).**

94. **The following recommendations will be examined by Dominica, which will provide responses in due time, but no later than the twenty-seventh session of the Human Rights Council in September 2014:**

94.1 Undertake measures for the prompt signature and ratification of the core international instruments for the protection and promotion of human rights, as well as for the submission of outstanding reports (Mexico);

94.2 Continue the process of signing and ratifying international human rights instruments (Chile);

94.3 Consider ratifying the main international human rights instruments not yet ratified (Paraguay);

94.4 Consider the ratification of major international human rights instruments (Algeria);

94.5 Ratify the Optional Protocols to the International Covenant on Civil and Political Rights (Portugal);

94.6 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Uruguay);

94.7 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);

94.8 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Australia);

94.9 Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Portugal);

94.10 Create a national human rights institution in compliance with the Paris Principles (Democratic Republic of the Congo);

94.11 Establish a national institution for the promotion and protection of human rights in line with the Paris Principles (France);

94.12 Redouble its efforts in establishing a national human rights institution in accordance with the Paris Principles (Indonesia);

94.13 Step up the implementation of measures to reduce discrimination based on gender and sexual orientation, including awareness activities (Chile);

94.14 Take the necessary measures to reduce prejudices and discrimination based on the sexual orientation of the person (Argentina);

94.15 Intensify its efforts to reduce discrimination based on gender and sexual orientation (Portugal);

94.16 Make every effort to reduce discrimination based on sexual orientation and consider abolishing all legislation which entails constraints to the realization of the rights of the lesbian, gay, bisexual and transgender population, including laws which criminalize sexual relations between consenting adults of the same sex (Brazil);

94.17 Decriminalize homosexuality and combat discrimination based on sexual orientation or gender identity (France);

94.18 Decriminalize consensual adult same-sex activity by amending article 14 and repealing article 16 of the Sexual Offences Act (Ireland);

94.19 Repeal all provisions that criminalize same sex relations, including in particular article 16 of the Sexual Offences Act (Germany);

94.20 **Repeal all provisions that discriminate against persons on the grounds of their sexual orientation or gender identity, including those in the Sexual Offences Act (United Kingdom of Great Britain and Northern Ireland);**

94.21 **Repeal provisions in national law that criminalize same sex relations, including in the Sexual Offences Act, and take steps to ensure the rights of these persons are protected (Australia);**

94.22 **Modify existing sections of the Criminal Code that apply to buggery and indecency so that same-sex sexual activity between consenting adults is not criminalized, and adopt legislation that prohibits discrimination on the basis of sexual orientation and gender identity (United States of America);**

94.23 **Establish anti-discrimination laws and regulations ensuring that lesbian, gay, bisexual and transgender persons and other vulnerable groups enjoy equal treatment (Netherlands);**

94.24 **Reinforce its anti-discriminatory legal framework in order to provide for a strengthened protection of the rights of the lesbian, gay, bisexual, transgender and intersex community (Italy);**

94.25 **Maintain the de facto moratorium on the death penalty and consider abolishing the death penalty all together (Slovenia);**

94.26 **Establish a moratorium on executions with a view to abolishing the death penalty (Sierra Leone);**

94.27 **Take all necessary measures to establish a formal moratorium on executions, with a view to abolishing the death penalty (Brazil);**

94.28 **Consider adopting a de jure moratorium on the death penalty soon, with a view to abolishing the death penalty (Italy);**

94.29 **Abolish the death penalty and accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights (Costa Rica);**

94.30 **Abolish the death penalty in law and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (France);**

94.31 **Take appropriate legislative and administrative measures to combat domestic violence and physical ill-treatment against children, including the prohibition of the practice of corporal punishment (Costa Rica);**

94.32 **Continue its efforts to promote the rights of the child and work towards the elimination of the use of corporal punishment in school (Maldives);**

94.33 **Align the definition of children in all juridical instances and ensure that no life sentence is applied to any child under the age of 18 years (Mexico);**

94.34 **Prohibit sentences of corporal punishment for children and life imprisonment of children under the age of 14, under all systems of justice and without exception, to ensure full compliance with international standards (Germany);**

94.35 **Adopt a law that guarantees freedom of information (Spain);**

94.36 **Decriminalize defamation (Spain);**

94.37 **Decriminalize defamation and place it under the Civil Code in accordance with international standards (Ireland).**

95. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as having been endorsed by the Working Group as a whole.**

Annex

[English only]

Composition of the delegation

The delegation of Dominica was headed by Mr. Vince Henderson, Ambassador and Permanent Representative of Commonwealth of Dominica to the United Nations Headquarters in New York and composed of the following members:

- Ms. Nakinda Daniel, Third Secretary, Dominica High Commission in London.